

CITY COUNCIL, CITY OF ROCKFORD
JOURNAL OF PROCEEDINGS
NOVEMBER 3, 2014
COUNCIL CONVENED AT 6:19 P.M.

1. The invocation was given by Chaplain Calvin Culpepper, Court Street United Methodist Church and the Pledge of Allegiance was led by City Council Clerk Diane Reed.
2. Alderman Thompson-Kelly asked for a moment of silence in memory of Juanita McNeely, mother of Thirteenth Ward Alderman Linda McNeely who passed away on October 26, 2014. A moment of silence was recognized.
3. Roll Call:
Mayor Lawrence Morrissey
Aldermen: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Absent: McNeely -1-
4. Alderman Beck moved to accept the Journal of Proceedings of October 27, 2014 seconded by Alderman Hervey. MOTION PREVAILED (Ald. McNeely absent).

PUBLIC HEARINGS

4. Mayor Morrissey called upon Alderman Chiarelli to conduct a public hearing. Alderman Chiarelli called the public hearing to order at 6:23 pm stating that a public hearing is being held tonight pursuant to 65 Illinois Compile Statutes 5/11-15. 1-3, for annexation for the following property: **5208 Sherwood Forest Road**. He asked for any comments or questions from council members and from the public on the annexation.

The public hearing was closed at 6:23 pm.

5. Mayor Morrissey called upon Alderman Durkee to conduct a public hearing. Alderman Durkee called the public hearing to order at 6:24 pm stating a public hearing is being held tonight in order to receive any final public comment on the City's CDBG, HOME, and Emergency Solutions Grants Program for the 2015-2019 Consolidated Plan and the 2015 Annual Plan. He asked for any comments or questions from council members and from the public on the Consolidated and Annual Plans.

Alderman Thompson-Kelly stated for the record that she is not in support of the 2015-2019 Consolidated Plan and 2015 Annual Plan.

The meeting was closed at 6:25 pm. The meeting returned to regular business at 6:25 pm.

PUBLIC PARTICIPATION

6. Theodore Moore submitted two (2) requests for service; sidewalk repair and installation of a street light in an alley near his home. Referred to Public Works Department.

7. Roland Poska wished Public Works Director Tim Hanson a happy birthday, on behalf of Prophet Yusef. He appreciates the opportunity to speak during the public speaking portion of the meeting and suggested giving a \$100,00 interest free loan to high school graduates repayable at death.
8. Toby Haldeman spoke about crime in his neighborhood and the once thriving area is now riddled with vacant store fronts and blight. He believes converting the Turner School building into the District 2 site would be the engine to spur economic development to that area.
9. John Brantley spoke about the discrimination lawsuit against the Rockford School District and offered his support to employees of the Head Start Program.
10. Michael Nicholas, President of the Rockford Area Economic Development Counsel, mentioned he participated in the bus tour of the city last week; visiting sites in need of economic and infrastructure development and viewing various improvements. He encouraged the city to work with the RAEDC on future projects.

PETITIONS AND COMMUNICATIONS

11. Alderman Chiarelli submitted the Rockford Traffic Commission agenda for the meeting to be held on November 12, 2014. Referred to Traffic Commission.
12. Alderman Chiarelli submitted a Memorandum from Scott Capovilla, Zoning and Land Use Administrator, regarding the Final Plat of First Rockford Remedies. Referred to Code and Regulations Committee.

PROCLAMATIONS

13. Mayor Morrissey presented a Proclamation proclaiming Monday, November 3, 2014 to be "FOOD FOR THE NEEDY KICK-OFF DAY" in Rockford, Illinois and encouraged all citizens to contribute to and generously support this worthy cause.
14. Mayor Morrissey presented a Proclamation proclaiming the week of November 9, 2014 to be "VETERAN'S APPRECIATION WEEK" in Rockford, Illinois and called upon all citizens to observe not only Veteran's Day but reflect the entire week on the sacrifices of all those who fought so valiantly to preserve our freedom and our heritage.

NEW COMMITTEE REPORTS

15. Alderman Beck read a Finance and Personnel Committee Report recommending the City of Rockford adopt an annual levy of .10% of the value as equalized or assessed by the Department of Revenue for street and bridge purposes and that the Finance Department shall prepare the appropriate ordinance. LAID OVER.
16. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of November 3, 2014 in the amount of \$4,437,673.46. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

17. Alderman Durkee read a Planning and Development Committee Report recommending approval of the attached 2015-2019 Draft Consolidated Plan and 2015 Draft Annual Plan for the allocation of funds for the Community Development Block Grant, HOME Investment Partnership Grant and Emergency Shelter Grant programs. The Community and Economic Director or the Human Services Director are authorized to execute the contracts consistent with the plan. The Legal Director shall prepare the appropriate ordinance. LAID OVER.
18. Alderman Chiarelli read a Code and Regulation Committee Report REVERSING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of packaged liquor and APPROVE sale of tobacco products in conjunction with a gas station and convenience store in the name of **Rao Ahmed for RKM Gas Corp. d/b/a RKH Gas Corp.** in a C-2, Limited Commercial Zoning District at 3005 North Rockton Avenue. Approval is subject to the following conditions:
 1. Meet all Building and Fire Codes.
 2. Compliance with all City of Rockford Liquor and Tobacco Codes.
 3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
 4. Submittal of a revised landscape plan to include removal of the raised timber planters that are to be replaced with new concrete curbed islands around the existing perimeter landscaping and plant species for Staff review and approval.
 5. The hours of operation and days will be 5:00 AM to Midnight Monday through Sunday.
 6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
 7. That the windows shall not be covered with bars or other devices that block the window.
 8. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
 9. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.

The Legal Director is hereby instructed to prepare the necessary Ordinance. Alderman Chiarelli made a motion to refer the item back to Code and Regulation Committee, seconded by Alderman Beach. BACK TO COMMITTEE.

19. Alderman Chiarelli read a Code and Regulation Committee Report Sustaining the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of package liquor in conjunction with a gas station and to APPROVE the sale of beer and wine in conjunction with a gas station in the name of **Mac's Convenience Store LLC d/b/a Circle K 1425** in a C-2, Limited Commercial Zoning District at 3819 Broadway. Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. The sale of beer and wine products shall be limited to the submitted interior floor plan Exhibit E.
3. Hours are limited to 9:00 AM to 10:00 PM for liquor sales.
4. Inside signage cannot exceed more than 35% of the window surface.
5. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

20. Alderman Chiarelli read a Code and Regulation Committee Report Sustaining the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of packaged liquor and APPROVE the sale of beer and wine in conjunction with a convenience store and gas station in the name of **Mac's Convenience Stores LLC d/b/a Circle K 1437** in a C-1, Limited Office Zoning District at 2225 West Riverside Boulevard. Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 35% of window area.
4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
5. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
9. Must obtain sign permit for new landmark-style free-standing sign.
10. All conditions must be met prior to establishment of use.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

21. Alderman Chiarelli read a Code and Regulation Committee Report Sustaining the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of tobacco products in conjunction with a gas station in the name of **Robbin Madhok d/b/a Magnum Oil 1 Inc.** in a C-3, General Commercial Zoning District at 3299 South Alpine Road. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.

4. Maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
5. Installation of landscaping units that have been removed along Mayflower and South Alpine Road.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. That the windows shall not be covered with bars or other devices that block the windows.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

22. Alderman Chiarelli read a Code and Regulation Committee Report Sustaining the Zoning Board of Appeals, thereby recommending that City Council DENY a Variation to increase the number of allowable wall signs from two (2) to three (3) in a C-3, General Commercial Zoning District at 7310 Walton Street. LAID OVER.
23. Alderman Chiarelli read a Code and Regulation Committee Report Sustaining the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Zoning Text Amendments to Section 10-007-C, Conflict with Private Agreements and Covenants, Items 1. and 2 as presented and listed below:

10-007-C. CONFLICT WITH PRIVATE AGREEMENTS AND COVENANTS

1. This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties, which are not in abrogation of public policy or in conflict with Article 41 of this ordinance and/or have a deleterious and blighting effect on the City. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement, the provisions of this zoning ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning ordinance, the provisions of the private agreement will control. The city does not enforce or maintain a record of private agreements.
2. Notwithstanding Section 10-007-C (1), and subject to the following sentence, a private agreement that purports to impose recorded negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator of a store in excess of 7,500 square feet has terminated operations at the site, when such uses would otherwise be permitted, including as a special use, under the Zoning Ordinance, and which negative use restriction has a term of more than one year, shall be against public policy, shall be void and unenforceable, and shall be subject to the City's remedial and enforcement powers under Section 71-003 (with each day such negative use covenant remains of record or otherwise effective constituting a separate and distinct offense). The foregoing prohibition shall not apply to an owner or operator of a grocery store or drug store which

terminates operations at a site for purposes of relocating such operations into a comparable or larger store located within the city and within one-half mile of the site where operations have terminated, provided such relocation and the commencement of operations at the new site occurs within two years and the negative use restriction imposed does not have a term in excess of three years. The Zoning Officer shall have the discretion to extend the one-half mile limit set forth in the preceding sentence by one-half mile (i.e. to one mile) and to extend the two year commencement of operations by one year (i.e. to three years) upon written request of an owner or operator and such requesting party's presentation of evidence establishing extenuating circumstances that establish good cause for such extension. The requesting party shall also provide notice and a copy of such written evidence to the alderman or aldermen of the ward in which the closed store and the new store are located at the same time such submission is made to the Zoning Officer. The foregoing prohibition in this section shall apply regardless of whether the private agreement is incorporated in a deed restriction, a lease or memorandum of lease, or any recorded or unrecorded instrument.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

24. Alderman Chiarelli read a Code and Regulation Committee Report Sustaining the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Special Use Permit for a Planned Unit Development consisting of a hotel, restaurants, private museum, large entertainment and meeting venue, and an atrium and conference center in a C-4, Urban Mixed-Use Zoning District at 416 South Main Street. Approval is subject to the following conditions:

1. Meet all Building and Fire codes
2. Submittal of building elevations for staff review and approval.
3. A landscaping plan shall be submitted for staff review and approval.
4. Submittal of a dumpster detail of the enclosure area and rendering for staff review and approval.
5. An illumination plan shall be submitted for review and approval by staff.
6. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with the Sign Ordinance.
7. Must develop site in accordance with new civil and landscaping plans approved by Staff.
8. All conditions must be met prior to establishment of use.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

OFFICERS REPORTS

25. Mayor Morrissey called attention to a Memorandum from Chris Black, Finance Director, regarding the 2015 General Budget Fund update.
26. Mayor Morrissey called attention to a Memorandum from Chris Black, Finance Director, regarding the 2014 proposed Tax Levy.

27. Mayor Morrissey called attention to a Memorandum from Seth Summer, Building Code Official, Construction and Development Services, regarding an update on demolitions.
28. Mayor Morrissey mentioned the police department is still accepting applications for its free Citizens Police Academy beginning November 5, 2014 and ending January 7, 2015 held at the police department, 420 West State Street.
29. Mayor Morrissey announced this Thursday, November 6th he will be giving a presentation, "Building Business, Building Rockford" sponsored by the RAEDC at 3:30 pm at the Rockford Public Library Nordlof Center/Sullivan Theatre.
30. Mayor Morrissey reported the bus tour of the city last week was a great success with over 50 people participating. He thanked staff for organizing the event which garnered positive feedback. Because the tour was only able to get through half of the scheduled locations, a second tour is being planned. It was also suggested having the bus tour on a regular basis, possibly every quarter.
- 30a. Mayor Morrissey mentioned tomorrow, November 4th is Election Day and encouraged everyone to vote.
31. Mayor Morrissey announced funeral services for Juanita McNeely will be held on Wednesday, November 5, 2014 at 11:00 am at Washington Park Christian Church with a visitation to be held at 9:00 am until the time of service.
32. Mayor Morrissey reported the passing of Cheryl Matczak, a dedicated member of our Finance team for over thirty-one years. He offered sincere condolences to her husband Steve, daughter Sara (Jay) Rubendall and grandchildren Heidi, Kai and Finn. A Celebration of Life Memorial will be held on Saturday, November 8, 2014 from 10:00 am – 1:00 pm at Christianson Funeral Home, 925 3rd Avenue.
33. Alderman Elyea announced the monthly Take-It-Back meeting will be held tomorrow night, November 4th at 6:00 pm at Broadway Methodist Church on Broadway.
34. Alderman Hervey thanked Jeff Kloweit, Rockford Fire Department, for his presentation at the 5th ward meeting and for distributing smoke detectors and batteries. She encouraged all citizens to test your smoke and carbon monoxide detectors to make sure they are working properly.
35. Alderman Beck informed council members the Finance Committee is looking to complete the proposed budget within the next few weeks and asked that any suggestions, modifications or changes be submitted to the Finance Department by Friday.
- 35a. Mayor Morrissey encouraged everyone to drive by the new fire station on Marchesano Drive. Construction is well under way and the facility will have a roof on by winter.
36. Alderman McNamara asked when council members would receive information about the temporary policing station location and projected costs.

City Administrator Jim Ryan advised the additional information should be available late next week.

37. Alderman Hervey mentioned she is looking for information on a few items discussed at the budget meetings; geo-policing new stations and the MRO facility.

Mayor Morrissey advised he does not have a complete update, but will ask staff to get her detailed information to those projects.

38. Alderman Newburg asked for an update on the District 2 pilot program and requested information about the Turner School Building; property being considered for relocation of District 2.

39. Alderman Beach asked how long the City will continue street sweeping this year.

Public Works Director Tim Hanson advised sweeping will continue to the end of November.

40. Alderman Beach thanked Jennifer Hall, Miracle Mile Association, and city staff for collaborating on the 50 page Neighborhood Retail Market Analysis.

41. Alderman Hill announced a neighborhood meeting will be held on Thursday, November 6, 2014 at 6:00 pm at Maywood Church.

42. Alderman Durkee announced the EDEEN budget and program will be forthcoming to council members for review. Any questions or suggestions can be directed to Todd Cagnoni, Director of Community and Economic Development.

43. Mayor Morrissey recognized former Alderman Victory Bell in attendance at tonight council meeting.

UNFINISHED BUSINESS

2014-288CR

44. Alderman Durkee moved the adoption of a Planning and Development Committee Report recommending approval of the Comprehensive Community Solutions-Amendment to the Development Agreement for 2028 Elm Street begs leave to report recommending approval. The Legal Director shall prepare the appropriate ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Frost, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -9-
Nays: McNamara, Hervey, Hill, Thompson-Kelly -4-
Absent: McNeely -1-

2014-289CR

45. Alderman Durkee moved the adoption of a Planning and Development Committee Report recommending approval of CDBG assistance not to exceed \$25,000 to Judy and

Dave Bieck/Candle Crest (1418 20th Street). The Legal Director shall prepare the appropriate ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-290CR

46. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending the award for Sale of Property at 219 North Johnston Avenue. be made to the sole bidder, Kenneth Bagley and Candice Donaldson, of Rockford, Illinois for their bid of \$460.00. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-291CR

47. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending the award for Sale of Property at 617 North Greenview Avenue be made to the sole bidder, Kenneth Bagley and Candice Donaldson, of Rockford, Illinois for their bid of \$460.00. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-292CR

48. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of the Fine Reduction request for 1112 Irving Avenue in Rockford, Illinois to \$1,000.00 upon compliance with the original order to repair by June 30, 2015. Any outstanding water, demo, board-up, clean-up and mow liens must be paid. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-293CR

49. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of the Fine Reduction request for 1220 North Main Street in Rockford, Illinois to \$1,000.00 upon compliance with the original order to repair by June 30, 2015. Any outstanding water, demo, board-up, clean-up and mow liens must be paid. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-293R

50. Alderman Beck moved the adoption of a Resolution authorizing the Mayor or Finance Director to execute an agreement for Main Street Gateway Arches with Sjostrom & Sons, Inc., of Rockford, Illinois for their total bid of \$255,500.00. The funding source is Sales Tax. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Hill, Oddo, Newburg, Elyea, Beck, Chiarelli -9-
Nays: Frost, Hervey, Thompson-Kelly, Beach -4-
Absent: McNeely -1-

2014-294CR

51. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the approval of the Final Plat 7 of Harrison Park Subdivision located at 5711 Wansford Way, south of Harrison Avenue. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

52. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending that NO ACTION be taken on the City Council and Committee Meeting Structure proposals and refers the five (5) proposals to City Council for presentation and discussion. HELD OUT

2014-178-O

53. Alderman Chiarelli moved the adoption of an Ordinance approving the annexation for 5208 Sherwood Forest Road. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-179-O

54. Alderman Chiarelli moved the adoption of an Ordinance approving the annexation for 2036 New Milford School Road. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-180-O

55. Alderman Chiarelli moved the adoption of an Ordinance approving amendment(s) to Chapter 13, Section 13-23 of the City of Rockford Code of Ordinances. Organization of Departments; Qualifications of Police Chaplains. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-181-O

56. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 16, Schedule Section 291 of the Code of Ordinances of the City of Rockford to add the following:

Traffic on Crosby Street be required to Stop prior to entering the intersection of Eastridge Drive.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-182-O

57. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 16, Schedule Section 311 of the Code of Ordinances of the City of Rockford to add the following:

Residential Parking in Municipal Parking Lot 30 near the intersection of 2nd Street and Market Street.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-183-O

58. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 16, Schedule Section 281 of the Code of Ordinances of the City of Rockford to add the following:

No Parking from 7:30 a.m. – 3:30 p.m. Monday through Friday on the north side of Hill Street from 130' west of Madison Street to 215' west of Madison Street.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-

Nays: -0-
Absent: McNeely -1-

2014-184-O

59. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 16, Schedule Section 286 of the Code of Ordinances of the City of Rockford to add the following:

Establishing fifteen (15) 3-hour parking spaces in Municipal Parking Lot 2 near the intersection of Walnut Street and Madison Street.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-185-O

60. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 3, Section 3-56, Article III of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor and Tobacco Ordinance having been met, said amendments shall serve as City Council consent and advice for the Liquor Commissioner to approve the following amendments for the following establishment:

Steven LeRoy Swoboda/Swoboda Entertainment, Inc., dba as Big Foot Gentlemen's Club for the sale of liquor by the drink in conjunction with live entertainment, dancing and video gaming in the name of in a C-2, Limited Commercial Zoning District at 1608 South Alpine Road. Approval is subject to the following conditions:

1. Must meet all applicable Liquor codes
2. Must meet all Building and Fire Codes
3. Removal of roof sign and all other non-conforming signs and any future signage must comply with the current sign ordinance
4. Landscaping improvements must be in accordance with the submitted site plan Exhibit D
5. That the windows shall not be covered with bars or other devices that block the windows
6. Window display signage is limited to 35% of window area
7. The sale of liquor is limited to indoors
8. Security must be provided at a minimum of one (1) per fifty (50) patrons by a State of Illinois licensed Security Firm

MOTION PREVAILED by a Roll Call vote of:

Ayes: McNamara, Frost, Hill, Thompson-Kelly, Oddo, Newburg, Beck, Chiarelli -8-
Nays: Durkee, Getchius, Hervey, Beach, Elyea -5-
Absent: McNeely -1-

2014-186-O

61. Alderman Chiarelli moved the adoption of an Ordinance for a Vacation Right-of-Way of 9th Avenue from 24th Street east of Rockford Public School District #205 property as well as the alley adjacent to the said portion of 9th Avenue. Subject to conditions:

1. There is existing sanitary sewer present within this vacated portion of 9th Avenue. An access and construction easement shall be granted to the Rock River Water Reclamation District for the existing sanitary sewer lines
2. There are existing Commonwealth Edison facilities present with this vacated portion of the alleyway. An access and construction easement shall be granted to Commonwealth Edison for the existing facilities unless the property owner requests abandonment and pays for relocation as necessary
3. No easements for utilities other than the easement above shall remain on the property for utility purposes

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

MOTIONS AND RESOLUTIONS

2014-294R

62. Alderman Chiarelli, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution approving the Annexation Agreement for 5208 Sherwood Forest Road by and between SJECC, LLC, Purchaser and Nancy Erbe, Owner and the City of Rockford, a municipal corporation. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-295R

63. Alderman Durkee, on behalf of the Planning and Development Committee, moved the adoption of a Resolution authorizing the Mayor and the Legal Director to subrogate an existing mortgage for Mega Fabrication Inc. (W.A. Whitney Company). MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-296R

64. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor or Finance Director to execute an agreement for 24th Street Demolitions with N-TRAK Group, of Loves Park, Illinois for their total bid of \$101,150.10. The funding source is Sanitation Fund. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hill, Thompson-Kelly, Oddo,
Newburg, Beach, Elyea, Beck, Chiarelli -12-
Nays: Hervey -1-
Absent: McNeely -1-

2014-297R

65. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor or Finance Director to execute an agreement for Bituminous Patching 2015 with Stenstrom Excavation, of Rockford, Illinois for their bid not-to-exceed \$500,000.00. The funding source is Water Operations. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly,
Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-298R

66. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor or Finance Director to execute an agreement for Change Order #2 – Broadway & Auburn Street Resurfacing with T.C.I., of Rockford, Illinois for an additional \$155,000.00, for a new not-to-exceed total of \$1,618,946.93. The funding source is Sales Tax. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly,
Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

2014-299R

67. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor or Finance Director to execute an agreement for Change Order # 1 – City-Wide Street Repairs Group #3 – 2014 with Stenstrom Excavation, of Rockford, Illinois for an additional \$45,000, for a new not-to-exceed total of \$934,647.69. The funding source is Sales Tax. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly,
Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-

Absent: McNeely -1-

2014-300R

68. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor or Finance Director to execute an agreement with ComEd for Harrison Avenue Reconstruction (9th to 20th Streets) Electric Transmission Line Relocation in the amount of \$300,000.00. The funding source is Sales Tax. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -12-
Nays: -0-
Abstain: Getchius -1-
Absent: McNeely -1-

2014-301R

69. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor or Finance Director to execute an agreement between the City of Rockford and the Illinois Department of Transportation (IDOT) for reimbursement of funds (\$28,227.50) and maintenance responsibilities for repairs done to the Illinois Rte. 251 median curb and gutter during the 2013 construction season. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-
Nays: -0-
Absent: McNeely -1-

NEW BUSINESS

70. Alderman Durkee introduced and read an Ordinance approving the Amendment to the Comprehensive Community Solutions- Development Agreement for 2028 Elm Street. LAID OVER.
71. Alderman Durkee introduced and read an Ordinance approving CDBG assistance not to exceed \$25,000 to Judy & Dave Bieck/Candle Crest (1418 20th Street). LAID OVER.
72. Alderman Beck moved to go into closed session to discuss litigation matters, seconded by Alderman Beach. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Newburg, Beach, Elyea, Beck, Chiarelli -12-
Nays: Oddo -1-
Absent: McNeely -1-

The meeting went into closed session at 7:32 pm.

The meeting returned into open session at 8:37 pm and found the following aldermen present:

Durkee, Getchius, McNamara, Frost, Hill, Thompson-Kelly, Oddo, Newburg, Beach
Beck, Chiarelli -11-

73. Upon motion duly made and seconded, the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Diane Reed
City Council Clerk

[The meeting was taped in its entirety, and the tape is on file in the Legal Department]

CITY COUNCIL, CITY OF ROCKFORD, ILLINOIS
City Council Chambers, 2ND floor City Hall
425 E. State Street, Rockford
November 10, 2014
6:00 P.M.
AGENDA

The following represents, in general, the chronological order of proceedings at the City Council meeting:

- Call to Order by the Mayor
- Invocation and Pledge of Allegiance
- Roll Call and determination of quorum
- Acceptance of Journal of Proceedings
- Public Hearing

I. PUBLIC HEARING

1. Keith Creek Buyout 2

- Public Participation
- Petitions and Communications
- Proclamations
- Committee Reports
- Officers Reports

UNFINISHED BUSINESS

II. COMMITTEE REPORTS LAID OVER NOVEMBER 3, 2014

1. Beck - Finance and Personnel - Recommending approval of an annual levy of .10% of the value as equalized or assessed by the Department of Revenue for street and bridge purposes and that the Finance Department shall prepare the appropriate ordinance.
2. Durkee - Planning and Development - Recommending approval of the attached 2015-2019 Draft Consolidated Plan and 2015 Draft Annual Plan for the allocation of funds for the Community Development Block Grant, HOME Investment Partnership Grant and Emergency Shelter Grant programs. The Community and Economic Director or the Human Services Director are authorized to execute the contracts consistent with the plan. The Legal Director shall prepare the appropriate ordinance.
3. Chiarelli - Code and Regulation - Recommending that NO ACTION be taken on the City Council and Committee Meeting Structure proposals and refers the five (5) proposals to City Council for presentation and discussion.
4. Chiarelli - Code and Regulation – SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of package liquor in conjunction

with a gas station and to APPROVE the sale of beer and wine in conjunction with a gas station in the name of **Mac's Convenience Store LLC d/b/a Circle K 1425** in a C-2, Limited Commercial Zoning District at 3819 Broadway. Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. The sale of beer and wine products shall be limited to the submitted interior floor plan Exhibit E.
3. Hours are limited to 9:00 AM to 10:00 PM for liquor sales.
4. Inside signage cannot exceed more than 35% of the window surface.
5. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

5. Chiarelli – Code and Regulation – SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of packaged liquor and APPROVE the sale of beer and wine in conjunction with a convenience store and gas station in the name of **Mac's Convenience Stores LLC d/b/a Circle K 1437** in a C-1, Limited Office Zoning District at 2225 West Riverside Boulevard. Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 35% of window area.
4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
5. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
9. Must obtain sign permit for new landmark-style free-standing sign.
10. All conditions must be met prior to establishment of use.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

6. Chiarelli - Code and Regulation – SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of tobacco products in conjunction with a gas station in the name of **Robbin_Madhok d/b/a Magnum Oil 1**

Inc. in a C-3, General Commercial Zoning District at 3299 South Alpine Road. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
4. Maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
5. Installation of landscaping units that have been removed along Mayflower and South Alpine Road.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. That the windows shall not be covered with bars or other devices that block the windows.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

7. Chiarelli - Code and Regulation – SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council DENY a Variation to increase the number of allowable wall signs from two (2) to three (3) in a C-3, General Commercial Zoning District at 7310 Walton Street.
8. Chiarelli - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Zoning Text Amendments to Section 10-007-C, Conflict with Private Agreements and Covenants, Items 1. and 2 as presented and listed below:

10-007-C. CONFLICT WITH PRIVATE AGREEMENTS AND COVENANTS

1. This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties, which are not in abrogation of public policy or in conflict with Article 41 of this ordinance and/or have a deleterious and blighting effect on the City. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement, the provisions of this zoning ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning ordinance, the provisions of the private agreement will control. The city does not enforce or maintain a record of private agreements.
2. Notwithstanding Section 10-007-C (1), and subject to the following sentence, a private agreement that purports to impose recorded negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator of a store in excess of 7,500 square feet has terminated operations at the site, when such

uses would otherwise be permitted, including as a special use, under the Zoning Ordinance, and which negative use restriction has a term of more than one year, shall be against public policy, shall be void and unenforceable, and shall be subject to the City's remedial and enforcement powers under Section 71-003 (with each day such negative use covenant remains of record or otherwise effective constituting a separate and distinct offense). The foregoing prohibition shall not apply to an owner or operator of a grocery store or drug store which terminates operations at a site for purposes of relocating such operations into a comparable or larger store located within the city and within one-half mile of the site where operations have terminated, provided such relocation and the commencement of operations at the new site occurs within two years and the negative use restriction imposed does not have a term in excess of three years. The Zoning Officer shall have the discretion to extend the one-half mile limit set forth in the preceding sentence by one-half mile (i.e. to one mile) and to extend the two year commencement of operations by one year (i.e. to three years) upon written request of an owner or operator and such requesting party's presentation of evidence establishing extenuating circumstances that establish good cause for such extension. The requesting party shall also provide notice and a copy of such written evidence to the alderman or aldermen of the ward in which the closed store and the new store are located at the same time such submission is made to the Zoning Officer. The foregoing prohibition in this section shall apply regardless of whether the private agreement is incorporated in a deed restriction, a lease or memorandum of lease, or any recorded or unrecorded instrument.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

9. Chiarelli - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Special Use Permit for a Planned Unit Development consisting of a hotel, restaurants, private museum, large entertainment and meeting venue, and an atrium and conference center in a C-4, Urban Mixed-Use Zoning District at 416 South Main Street. Approval is subject to the following conditions:

1. Meet all Building and Fire codes
2. Submittal of building elevations for staff review and approval.
3. A landscaping plan shall be submitted for staff review and approval.
4. Submittal of a dumpster detail of the enclosure area and rendering for staff review and approval.
5. An illumination plan shall be submitted for review and approval by staff.
6. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with the Sign Ordinance.
7. Must develop site in accordance with new civil and landscaping plans approved by Staff.
8. All conditions must be met prior to establishment of use.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance.

III. ORDINANCES LAID OVER NOVEMBER 3, 2014

1. Durkee - Ordinance approving the Amendment to the Comprehensive Community Solutions- Development Agreement for 2028 Elm Street.
2. Durkee - Ordinance - Approving CDBG assistance not to exceed \$25,000 to Judy and Dave Bieck/Candle Crest (1418 20th Street).

IV. APPOINTMENTS HELD OUT NOVEMBER 3, 2014

- 1.* Re-appointment to the Library Board; Mr. Edward Geeser, term ending June 2017. (Pursuant to Rule 18, this item is up for passage on November 10, 2014).
- 2.* Re-appointment to the Library Board; Mr. Brad Long, term ending June 2017. (Pursuant to Rule 18, this item is up for passage on November 10, 2014).
- 3.* Appointment to the Electrical Commission; Mr. Andy Kwiatkowski, term ending June 2017. (Pursuant to Rule 18, this item is up for passage on November 24, 2014).
- 4.* Appointment to the Electrical Commission; Mr. Mark Primm, terms ending June 2017. (Pursuant to Rule 18, this item is up for passage on November 24, 2014).

- Resolutions

V. NEW BUSINESS (note: Ordinances may be read in under New Business and Rule 11 suspended and final vote taken. Committee Reports would have previously been voted on).

1. Beck – Ordinance - Annual levy of .10% of the value as equalized or assessed by the Department of Revenue for street and bridge purposes.
2. Durkee – Ordinance - 2015-2019 Draft Consolidated Plan and 2015 Draft Annual Plan for the allocation of funds for the Community Development Block Grant, HOME Investment Partnership Grant and Emergency Shelter Grant programs. The Community and Economic Director or the Human Services Director are authorized to execute the contracts consistent with the plan.
3. Chiarelli – Ordinance- APPROVE the sale of beer and wine in conjunction with a gas station in the name of **Mac's Convenience Store LLC_d/b/a Circle K 1425** in a C-2, Limited Commercial Zoning District at 3819 Broadway. Approval is subject to the following conditions:
 1. Must meet all applicable building, fire and tobacco codes.
 2. The sale of beer and wine products shall be limited to the submitted interior floor plan Exhibit E.
 3. Hours are limited to 9:00 AM to 10:00 PM for liquor sales.
 4. Inside signage cannot exceed more than 35% of the window surface.
 5. The sale of water pipes and "huka" or "hookah" pipes are prohibited.

6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
 7. That the windows shall not be covered with bars or other devices that block the windows.
 8. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.
4. Chiarelli – Ordinance – APPROVE the sale of beer and wine in conjunction with a convenience store and gas station in the name of **Mac's Convenience Stores LLC d/b/a Circle K 1437** in a C-1, Limited Office Zoning District at 2225 West Riverside Boulevard. Approval is subject to the following conditions:
1. Meet all applicable Building and Fire Codes.
 2. Compliance with all City of Rockford Liquor and Tobacco Codes.
 3. Window display signage is limited to 35% of window area.
 4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
 5. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
 6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
 7. That the windows shall not be covered with bars or other devices that block the windows.
 8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
 9. Must obtain sign permit for new landmark-style free-standing sign.
 10. All conditions must be met prior to establishment of use.
5. Chiarelli – Ordinance - APPROVE the sale of tobacco products in conjunction with a gas station in the name of **Robbin Madhok d/b/a Magnum Oil 1 Inc.** in a C-3, General Commercial Zoning District at 3299 South Alpine Road. Approval is subject to the following conditions:
1. Meeting all applicable building and fire codes.
 2. Compliance with all City of Rockford Tobacco Codes.
 3. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
 4. Maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
 5. Installation of landscaping units that have been removed along Mayflower and South Alpine Road.
 6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
 7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
 8. That the windows shall not be covered with bars or other devices that block the windows.

6. Chiarelli – Ordinance - APPROVE the Zoning Text Amendments to Section 10-007-C, Conflict with Private Agreements and Covenants, Items 1. and 2 as presented and listed below:

10-007-C. CONFLICT WITH PRIVATE AGREEMENTS AND COVENANTS

1. This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties, which are not in abrogation of public policy or in conflict with Article 41 of this ordinance and/or have a deleterious and blighting effect on the City. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement, the provisions of this zoning ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning ordinance, the provisions of the private agreement will control. The city does not enforce or maintain a record of private agreements.
2. Notwithstanding Section 10-007-C (1), and subject to the following sentence, a private agreement that purports to impose recorded negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator of a store in excess of 7,500 square feet has terminated operations at the site, when such uses would otherwise be permitted, including as a special use, under the Zoning Ordinance, and which negative use restriction has a term of more than one year, shall be against public policy, shall be void and unenforceable, and shall be subject to the City's remedial and enforcement powers under Section 71-003 (with each day such negative use covenant remains of record or otherwise effective constituting a separate and distinct offense). The foregoing prohibition shall not apply to an owner or operator of a grocery store or drug store which terminates operations at a site for purposes of relocating such operations into a comparable or larger store located within the city and within one-half mile of the site where operations have terminated, provided such relocation and the commencement of operations at the new site occurs within two years and the negative use restriction imposed does not have a term in excess of three years. The Zoning Officer shall have the discretion to extend the one-half mile limit set forth in the preceding sentence by one-half mile (i.e. to one mile) and to extend the two year commencement of operations by one year (i.e. to three years) upon written request of an owner or operator and such requesting party's presentation of evidence establishing extenuating circumstances that establish good cause for such extension. The requesting party shall also provide notice and a copy of such written evidence to the alderman or aldermen of the ward in which the closed store and the new store are located at the same time such submission is made to the Zoning Officer. The foregoing prohibition in this section shall apply regardless of whether the private agreement is incorporated in a deed restriction, a lease or memorandum of lease, or any recorded or unrecorded instrument.

7. Chiarelli – Ordinance - APPROVE a Special Use Permit for a Planned Unit Development consisting of a hotel, restaurants, private museum, large entertainment and meeting venue, and an atrium and conference center in a C-4, Urban Mixed-Use Zoning District at 416 South Main Street. Approval is subject to the following conditions:

1. Meet all Building and Fire codes
2. Submittal of building elevations for staff review and approval.
3. A landscaping plan shall be submitted for staff review and approval.
4. Submittal of a dumpster detail of the enclosure area and rendering for staff review and approval.
5. An illumination plan shall be submitted for review and approval by staff.
6. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with the Sign Ordinance.
7. Must develop site in accordance with new civil and landscaping plans approved by Staff.
8. All conditions must be met prior to establishment of use.

Approval is based on the attached Findings of Fact.

- * same action taken before
- Adjournment

* * * * *

POSSIBLE ADDITIONAL ITEMS:

The following items appear on the City Council Standing Committee Agendas as noted. Items may receive a vote at committee and come before the first City Council meeting held after the committee meeting. Rule 11 can be suspended and final vote taken on said items at the City Council meeting (no rule suspension is necessary to take a vote on vouchers).

CODE AND REGULATION COMMITTEE

Monday, November 10, 2014, 4:00 p.m.

Council Chambers, City Hall 2nd floor

AGENDA

1. C & R 14-206 Final Plat of First Rockford Remedies – 5011 E. State St.
2. C & R 14-181 Review of Chapter 3, Alcoholic Liquor of the City of Rockford Code of Ordinances

FINANCE AND PERSONNEL COMMITTEE

Monday, November 3, 2014, 5:15 p.m.

Conference Room B, City Hall 2nd floor (south room)

AGENDA

1. Purchasing and Vouchers

- A. Rescind Award of Bid: Starr Street Water Main Replacement – Staff recommends rescinding the award to N-TRAK Group in the amount of \$188,088.50. Staff will reach out to homeowners and business owners as part of the investigation to determine project alternatives.
- B. No-Bid Contract: Investment Brokerage Services – Recommending the change from RBC Capital to Morgan Stanley, of Lincoln, Nebraska to maintain the outstanding partnership with Lisa Hupp as the City's investment broker
- C. Engineering Agreement: Stormwater Management Program with Missman, Inc., of Rockford, Illinois for a not-to-exceed cost of \$366,000.00.
- D. Engineering Agreement: Detention Pond Analysis & Engineering with Willett Hofmann & Associates, Inc., of Rockford, Illinois for a not-to-exceed cost of \$30,200.00
- E. Change Order: Document Scanning for Police Department to Information Controls, of Rockford, Illinois for an estimated additional \$90,000 for a new contract total of \$206,000. The additional scanning would be for the Office of Professional Standards, Records Division and Leadership and Staff Development Unit.
- F. Vouchers in the amount of \$3,332,071.56

- 2. 2014 Property Tax Levy: Recommending that the Levy Ordinance be prepared by the Finance Department in accordance with the memorandum from the Finance Director on November 3, 2014, and accepted in the amount of \$53,788,526 for the levies in the Corporate, Police Protection, Police Pension, School Crossing Guards, Fire Protection, Fire Pension, Street and Bridge, Judgments, Sanitation, Tuberculosis Sanitarium, Public Library, Public Library Maintenance of Buildings, Illinois Municipal Retirement, Unemployment Compensation, Worker's Compensation, and Auditing Funds

PLANNING AND DEVELOPMENT COMMITTEE

Monday, November 3, 2014, 5:15 p.m.

CD Conference Rm., City Hall 2nd floor

AGENDA

- 1. Memorandum from Todd Cagnoni regarding the Response to Request for Proposals for 123 South Main Street, 134 North Main Street and 226 North Main Street & Proposed Redevelopment.

2. Memorandum from Alderman Jamie Getchius regarding a Resolution for the Development of 134 N. Main Street. (Attached: Adaptive Reuse Development Project for 134 N. Main Street Downtown, Rockford, IL Presented by Urban Equity Properties).

LEGISLATIVE LOBBYING COMMITTEE

Monday, November 3, 2014, ____ p.m.

Conference Room A, City Hall 2nd floor (north room)

AGENDA

No Meeting Scheduled.

The City of Rockford intends to comply with the intent and spirit of the Americans With Disabilities Act. If a sign language interpreter, personal p.a. system, or other special accommodations are needed, please call the Legal Department at 967-6797 at least 48 hours in advance, so we can be prepared to assist you. For TTY, please call 987-5718, and staff in the Mayor's Office will advise the Legal Department of the request.